

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DARRYL MITCHELL,
Plaintiff,

Case No. 1:20-cv-363
Hopkins, J.
Litkovitz, M.J.

vs.

FUJITEC AMERICA, INC., *et al.*,
Defendants.

ORDER

This matter is before the Court following the informal discovery conference held by telephone on November 29, 2023. Counsel for plaintiff Darryl Mitchell and counsel for defendants Fujitec America, Inc. (FAI); Fujitec Co., Ltd.; and FAI's Chief Executive Officer Gary Krupp appeared and participated in the conference.¹

The parties dispute seven of the 41 topics proposed by plaintiff for the Rule 30(b)(6) deposition of defendant FAI: topics 1, 2, 18, 19, 25, 28, and 29. For the reasons stated on the record² at the conference, the Court orders that these topics shall read:

- Topic 1: Contents of personnel file of Darryl Mitchell; any performance reviews or evaluations of Darryl Mitchell while employed at FAI; Darryl Mitchell's corporate responsibility and level of authority while employed at FAI; and background check performed for Darryl Mitchell's employment at FAI.
- Topic 2: Contents of personnel file of Shawnez McKenzie and knowledge of contentious and disruptive behavior manifested by Shawnez McKenzie that was known or documented by her supervisor(s) during the time period of January 1, 2015 to the present.
- Topic 18: Allegations of sexual harassment by any FAI employee against another FAI employee from January 1, 2016 to the present, including any allegations by Renee Thomas during such time period.³
- Topic 25: Promotions for Sherry Tabor from January 1, 2018 to the present.

¹ Counsel for defendant Shawnez McKenzie appeared but did not take a position on these parties' discovery dispute.

² The telephone conference was recorded.

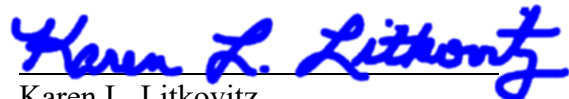
³ Plaintiff's designated topic 19 is effectively subsumed by this version of topic 18.

- Topic 28: Race discrimination claims made against FAI from January 1, 2016 to the present.
- Topic 29: Pay equity claims made against FAI from January 1, 2016 to the present.

The parties further acknowledged that the Rule 30(b)(6) witness's testimony in response to topics 1 and 2 may elicit additional relevant deposition topics. Plaintiff may seek a limited extension of the discovery deadline to address only such newly identified topics with the Rule 30(b)(6) deponent, if warranted.

IT IS SO ORDERED.

Date: 11/29/2023



Karen L. Litkovitz
United States Magistrate Judge